

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

Ronald James JANDACEK et al

Serial No.: 10/567,143

I.A. Filing Date: 08/05/2004

:

Confirmation No.: 9438

:

Group Art Unit: 1797

:

Examiner: WALLENHORST, Maureen

USE OF NON-ABSORBABLE FAT IN DETERMINING
DIETARY FAT ABSORPTION

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT
PURSUANT TO 37 CFR 1.56, 1.97 and 1.98

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Pursuant to 37 CFR §§1.56, 1.97 and 1.98, Applicants request the Examiner to make of record the documents listed on the attached PTO/SB/08 form in connection with examination of the above-identified patent application. As provided in §1.97(g), no representation is made or intended that a thorough art search was made. As provided in 37 C.F.R. §1.97(h), this Information Disclosure Statement does not constitute an admission of any kind, and specifically is not an admission that the documents listed on attached form PTO/SB08 are, or are considered to be, material to the patentability of the above-identified patent application, as defined in 37 C.F.R. §1.56(b). In accordance with 37 C.F.R. §1.98(a)(2), Applicants are submitting copies of the non-patent literature.

This information disclosure statement is being submitted under 37 C.F.R. §1.97(c). Applicants have not received a final action under 37 C.F.R. §1.113, a notice of allowance under 37 C.F.R. §1.311, or an action that otherwise closes prosecution in the application (e.g., *Ex parte Quayle*) as of the date of this submission. Applicants elect to pay the fee set forth in 37 C.F.R. §1.17(p).

This submission does not represent that a search has been made or that no closer art exists and does not constitute an admission that each or all of the listed documents are material or constitute "prior art." If the Examiner applies any of the documents as prior art against any claim in the application and the Applicants determine that the cited documents do not constitute "prior art" under United States law, Applicants reserve the right to present to the office the relevant facts and law regarding the appropriate status of such documents.

Applicants further reserves the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should one or more of the documents be applied against the claims of the present application.

Respectfully submitted,

For: Ronald James JANDACEK et al

By



Daniel F. Nesbitt
Attorney for Applicants
Registration No. 33,746
(513) 229-0383 x104
Customer Number 38155

November 3, 2008